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In re Application of :
Lori Greiner :
Application No. 10/809,030 :
Filed: March 25, 2004 :
Attorney Docket No. 47636.39.2 :

ON PETITION

This is a decision in response to the petition, filed September 25, 2008, to revive the above-identified application under the provisions of 37 CFR 1.137(b).

The petition is **GRANTED**.

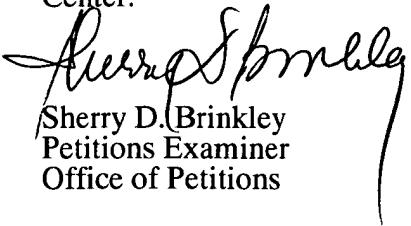
The application became abandoned for failure to reply in a timely manner to the non-final Office action mailed, March 17, 2008, which set a shortened statutory period for reply of three (3) months. No extension of time under the provisions of 37 CFR 1.136(a) was obtained. Accordingly, the application became abandoned on June 18, 2008. On September 25, 2008, the present petition was filed, along with an amendment and a 3-month petition for extension of time. A Notice of Abandonment was subsequently mailed on October 1, 2008.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of an amendment; (2) the petition fee of \$770; and (3) an adequate statement of unintentional delay.

Extensions of time under 37 CFR 1.136 are available only if asked for prior to or within the response period set by statute. In no case, however, may an applicant respond later than the maximum time period set by statute. The extension of time submitted September 25, 2008 was filed when the provisions of 37 CFR 1.136 could no longer be used. Therefore, this application became abandoned when the unextended time for response had expired, i.e., August 15, 2007. Since no extension of time fees are due on a petition for revival, the \$525 extension fees submitted after abandonment are being credited to counsel's deposit account.

The application is being referred to Technology Center AU 3637 for consideration of the amendment filed September 25, 2008.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3204. Inquiries relating to further prosecution should be directed to the Technology Center.


Sherry D. Brinkley
Petitions Examiner
Office of Petitions